

Report from the Assistant Director – Housing and Community Safety

Statement of Licensing Policy

Review of the Saturation & Cumulative Impact Zone

Summary

1. This report seeks Members' recommendation to Full Council to amend the Special Policy, within the Statement of Licensing Policy, relating to Saturation and Cumulative Impact. This follows a consultation on the proposed amendments that were at the request of North Yorkshire Police.

Recommendations

2. The Committee is asked to:
 - Approve option 1 and amend the Special Policy relating to Saturation and Cumulative Impact as detailed in paragraph 14.

Reason: To assist with the effective implementation of the Licensing Act 2003 in the city and contribute to the reduction of alcohol related crime and disorder in the city centre.

Background

3. It is a legal requirement of the Licensing Act 2003 that licensing authorities must publish a 'Statement of Licensing Policy'. The Council's first Policy was published in 2005 and subsequent Policies have been published in 2008, 2011 and 2014.
4. The Council's Statement of Licensing Policy includes a Special Policy on saturation and cumulative impact, more commonly known as the cumulative impact zone (CIZ), for parts of the city centre. Cumulative impact being defined as 'the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area'. The effect of the

special policy is to create a rebuttable presumption that applications for new premises or material variations will normally be refused if relevant representations to that effect are received. That is, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already experienced.

5. The Special Policy was first approved by Council in April 2005 based on patterns of crime and disorder prior to that date. Since this date it has been amended on two occasions, July 2010 and March 2014. These amendments were based on changing crime and disorder patterns. The Special Policy can be found in Section 7 of the Statement of Licensing Policy.
6. It is a requirement of the Licensing Act 2003 that any decision relating to changes to the Statement of Licensing Policy must be approved by Full Council.
7. North Yorkshire Police submitted a report to the council requesting that the Special Policy be amended to include the consideration of applications for material variations to premises licences and club premises certificates that seek to extend licensed hours. The request was brought before Members on the 25th April 2016. Members determined that a formal consultation should take place in relation to the proposed amendments which would include material variations in relation to:
 - Change in style of operation
 - Physical extension of the premises that increases capacity
 - Extension of hours of operation

Consultation

8. The consultation on the proposed amendments took place between the 26 April and 22 June 2016. A list of consultees can be found at Annex 1.
9. Three responses have been received to the consultation from:
 - North Yorkshire Police
 - Coppergate Shopping Centre Manager
 - operator of a city centre licensed premises

Options

10. Option 1 – Recommend to Full Council that the Special Policy on Saturation and Cumulative Impact is amended as detailed in paragraph 14.
11. Option 2 – Recommend to Full Council that the Special Policy on Saturation and Cumulative Impact is amended with alternative wording agreed by members.
12. Option 3 - Take no further action.

Analysis

13. The section within the Special Policy titled 'Effects of the Special Policy' currently states:
 1. This policy relates to applications for the grant and/or variation of premises licences or club premises certificates or the issue of provisional statements.
 2. Each application will be considered on its own merits.
 3. Where no representations are received any application will be granted in terms consistent with the operating schedule.
 4. Applications for the grant of a new premises licence or club premises certificate or provisional statement:

Where relevant representations are received there will be a presumption against the grant of such a licence or certificate unless the applicant can rebut the presumption that the granting of such a licence or certificate would undermine the licensing objectives.
 5. Application for the variation of a premises licence or club premises certificate due to a change of style of operation:

Any application for the variation of style of operation which is subject to relevant representations will be considered on its own merits having regard to the promotion of the licensing objectives.
 6. Application for the variation of a premises licence or club premises certificate resulting in an extension of the premises and increased capacity:

There will be a presumption to refuse such applications, where relevant representations are received and where the increase in capacity would undermine the licensing objectives unless the

applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

7. Application to vary the hours of operation attached to a premises licence or club premises certificate:

All applications that seek to extend the licensed hours will be considered on an individual basis. No different policy will apply in this area as opposed to the rest of the city.

14. The consultation related to changing the wording of points 5, 6 and 7 detailed above, as it is believed that variations have as much impact within the Special Policy Area as the grant of a new licence and /or certificate. The proposed changes consolidated these three points as follows:

5. The following variations are considered to be material:

- change in style of operation
- physical extension of the premises that increases capacity
- extension of hours of operation.

Therefore, there will be a presumption to refuse such applications, where relevant representations are received unless the applicant can rebut the presumption that the granting of such a variation would undermine the licensing objectives.

15. North Yorkshire Police agreed with the change in wording as detailed in paragraph 14 (sub para 5).
16. The Coppergate Centre Manager agrees with the proposed amendment, they believe it should be no easier or more difficult to obtain an amendment to a licence than if it were a brand new licence.
17. The operator of the city centre licensed premises has stated that the amendment is in essence supported, however they suggest that:
 - The three areas identified in the special policy do not all create the same policing pressures, and strongly believe accountability and responsibility for the appropriate management of the licensed premises in the CIZ areas need to be a priority for the council and police before approving any more applications or variations in the CIZ;

- In some areas of the CIZ licensed premises are more troublesome than others, perhaps taking a stand in these hot spots for any further applications or variations needs to be considered;
- Holding individuals or company applicants more accountable for repeated irresponsible or poor performance needs to be supported by everyone, i.e. our licensed premise, the Shambles Tavern, falls within the CIZ and is also within an area of multiple licensed establishments. We however, take stringent and perhaps unusual action to manage access and capacity as we are a small establishment, we close our doors at 9pm although continue to serve under our licensing hours within our designated areas. This may be to the detriment of our business income but we take our licence approval seriously and fully support the need for a safer inner city accessible for all age groups;
- We also wish to add that in addition to established late licence premises that are open in the city. The approval of the late night food wagons licences on the streets in the CIZ also needs to be looked at. They attract customers by playing loud music which encourages groups of people leaving very late night venues to remain in the city centre drunk which creates its own problems;
- In the main the city council and police do a very good job managing the day and evening economy in a popular food and drink destination city.

Council Plan

18. The Licensing Act 2003 has 4 objectives: the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.
19. The promotion of the licensing objectives will support the Council's Plan for a prosperous city for all and a council that listens to residents.

Implications

20. The implications arising from this report are:
 - **Financial:** There are no direct financial implications associated with this report.

- **Human Resources:** There are no Human Resources implications associated with this report.
- **Equalities:** There are no equalities implications associated with this report.
- **Legal:** It is a legal requirement of the Licensing Act 2003 that the Council is required to review and publish a statement of licensing policy every five years. The policy, or any part of it, can be reviewed at any time within that five year period.
- **Crime and Disorder:** The ClZ promotes the licensing objective “the prevention of crime and disorder”.
- **Information Technology (IT):** There are no IT implications associated with this report.
- **Other:** There are no other implications associated with this report.

Risk Management

21. There are no known risks associated with this report.

Contact Details

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Report
Approved



Date 1st July 2016

Specialist Officer Implications:

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All

Wards Affected:

Background Papers:

Statement of Licensing Policy 2014

Annexes

Annex 1 – list of consultees